

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ANCILE INVESTMENT COMPANY
LIMITED,

Plaintiff,

-against-

08 CV 9492 (KMW)

ARCHER DANIELS MIDLAND COMPANY,

ORDER

Defendant.

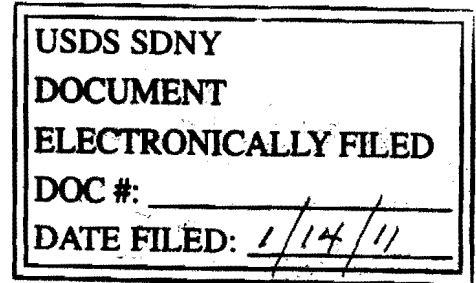
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WOOD, U.S.D.J.:

There is currently a motion to dismiss pursuant to Fed. R. Civ. P. 12(b)(6) pending before the Court in this matter. The parties submitted letters to the Court regarding the scheduling of further motions and discovery, and Plaintiff has requested that the Court schedule a status conference to discuss these matters. This request is hereby GRANTED. A status conference shall be held on February 24, 2011 at 2:00 p.m. in Courtroom 15B, United States Courthouse, 500 Pearl Street, New York, New York.

Plaintiff has previously attempted to schedule expert discovery regarding the cause of action asserted under the laws of Brazil (which is not the subject of the pending Rule 12(b)(6) motion). Defendant has responded that expert discovery on Brazilian law is premature, and that the parties must first brief outstanding choice of law issues.

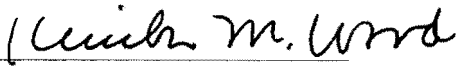
In June and July of 2010, the parties submitted letters to the Court regarding these same scheduling issues, at which time this case was proceeding before Judge Paul A. Crotty. Judge Crotty informed the parties that the Court would adopt the schedule proposed by Defendants, whereby the parties would brief choice of law issues after this Court's decision on the Rule 12(b)(6) motion. The Court sees no reason to disturb Judge Crotty's prior ruling. Accordingly, the Court adopts the following schedule:



- (i) Any choice of law motion must be served no later than two weeks from the date of this Court's decision on the Rule 12(b)(6) motion;
- (ii) Any opposition to that motion shall be served no later than three weeks after service of the motion;
- (iii) Any reply shall be served no later than two weeks from the submission of the opposition; and
- (iv) Within one week of this Court's decision on the choice of law issues, the parties shall confer to establish a schedule for the exchange of any necessary expert report(s) on foreign law and the deposition of such experts.

SO ORDERED.

Dated: New York, New York
January 13, 2011



Kimba M. Wood
United States District Judge